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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR                          | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|---|---------------------|------------------|
| 09/385,802   | 08/30/1999  | KEVIN REMINGTON JOSEPH BARTHOLOMEN<br>DONOVAN | 4031/1              | 9671             |
| 28710  | 7590        | 04/07/2011                                    | EXAMINER            |                  |
| PETER K. TRZYNA, ESQ.<br>P O BOX 7131<br>CHICAGO, IL 60680 |             |   | CHANKONG, DOHM      |                  |
|  |             |   | ART UNIT            | PAPER NUMBER     |
|  |             |   | 2452                |                  |
|  |             |   | MAIL DATE           | DELIVERY MODE    |
|  |             |   | 04/07/2011          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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|---------------------------------|-------------|---|---------------------|
| 09385802<br>4031/1              | 8/30/1999   | BARTHOLOMEN DONOVAN, KEVIN REMINGTON JOSEPH       |                     |

EXAMINER

DOHM CHANKONG

ART UNIT      PAPER

2452      12

DATE MAILED:

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Commissioner for Patents

Applicant's amendment and arguments filed on 3/24/2011 are not fully responsive to the Office action mailed on 7/20/2010. Applicant's arguments only address the double patenting rejection and the § 103 rejection under Auerbach, Aravamudan, and Gudjonsson. However, Applicant's arguments do not address the § 112 rejection or the § 103 rejection under Walker and Busey. Both Walker and Busey have a priority date prior to May 5, 1999 so even if Applicant was successful in establishing conception prior to May 5, 1999, it would only overcome the Auerbach, Aravamudan, and Gudjonsson rejection. Therefore, Applicant's arguments are not fully responsive.

NOTE: The Office action erroneously refers to the Walker patent as 5862333. The PTO-892 (list of references cited by examiner) has the correct patent number 5862223.

Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

/DOHM CHANKONG/  
Primary Examiner, Art Unit 2452

